REMARKS

Claims 1-20 are rejected in the application. Claims 1, 10, 11 and 20 have been amended. Claims 2 and 12 were previously canceled, and are not entered. Claims 1, 3-11, and 13-20 remain in the application. It is respectfully submitted that no new matter has been added.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-9, 11 and 13-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al., U.S. Patent No. 6,105,127 (hereinafter "Kimura"). Kimura discloses a multithreaded processor for processing multiple instruction streams independently of each other by flexibly controlling throughput in each instruction stream (see *Title, Abstract*). These rejections are traversed because Applicants have rewritten independent claims 1, 11 and 20 to more clearly define the invention. Applicants have included "a counter loaded with a predetermined value for each thread in said memory depending on the priority assigned." (please refer to Application, pg 6, final para. to pg. 8, last full para.) Applicants' specification and claims support and disclose the method and apparatus utilizing a *counter* with a predetermined value based on the priority assigned. No new matter has been added. Kimura does not anticipate the apparatus and method of establish thread priority in a processor; notably a predetermined high value counter is loaded for a higher priority thread and a predetermined low value counter is loaded for a lower priority thread. As such, Examiner's rejections based on Kimura are moot, because Kimura neither claims nor discloses a counter with a predetermined value based on the priority of each thread.

Claim 10 has been rewritten to resemble independent claims 1, 11 and 20. Applicants submit, therefore that claims 1, 10, 11 and 20 are allowable based on the arguments as set forth

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above. In addition, Applicants respectfully submit that claims 2-9 and 13-19 are allowable as depending from allowable base claims 1, 10, and 11.

Based on the amendments and arguments above, reconsideration and withdrawal of the rejection of claims 1, 3-11 and 13-20 under 35 U.S.C. § 102(e) is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 10 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Hewitt et al., U.S. Patent No. 5,339,808 (hereinafter "Hewitt"). Based on Applicants' amendment to independent claims 10 and 20 as set forth above, neither Kimura nor Hewitt teach or suggest "a counter loaded with a predetermined value for each thread in said memory depending on the priority assigned," either as single references or in combination.

The features discussed above have been added to claims and 10 and 20 to more clearly define the invention. No new matter has been added. Applicants submit, therefore that claims 10 and 20 is allowable based on the arguments set forth above.

Based on the amendments and arguments above, reconsideration and withdrawal of the rejection of claims 10 and 20 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

For all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.
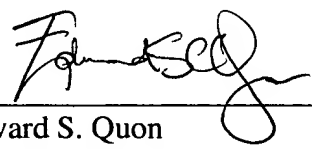
The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON

Dated: <u>December 30, 2003</u>   By: _____

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